

HOUSE BILL 2763
By Strader

AN ACT to amend Tennessee Code Annotated, Title 36,
Chapter 1, relative to adoption and termination of
parental rights.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-1-117(a)(1), is amended by deleting the current language in its entirety and by substituting instead the following:

(1) Unless the parent, the legal parent, the living blood grandparent of a child of any degree, or the guardian, or, as provided in subsections (b) and (c), the putative biological father of the child has surrendered parental or guardianship rights to the child, has executed a parental consent that has been confirmed by the court, has waived such person's rights pursuant to § 36-1-111(w), has waived such person's rights as a grandparent to exercise priority in adoption, or unless such person's rights have been terminated by the order of a court of competent jurisdiction, then such person must be a party to the adoption proceeding or to a separate proceeding seeking the termination of those rights, and their rights to the child must be terminated by a court to authorize the court to order the adoption of the child or adult by other persons.

SECTION 2. Tennessee Code Annotated, Title 36, Chapter 1, is amended by inserting the following as a new, appropriately designated section thereto:

(a) Notwithstanding anything in this chapter to the contrary, all living blood grandparents of any degree shall be given the same rights afforded to legal guardians of children pursuant to this chapter with respect to termination of guardianship rights and adoption of such children.

(b) If a living blood grandparent of any degree has not had such person's guardianship rights terminated, such person shall be given priority over any person other than a biological parent, legal parent or putative father of a child with respect to adoption of such child, unless the court finds that adoption of the child by such grandparent is not in the best interest of the child. Such grandparent's guardianship rights to a child must be terminated by court order prior to the child being adopted by any other person.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.